

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UFCW LOCAL 174 RETAIL PENSION FUND and :	:
ITS TRUSTEE,	:
	:
Plaintiffs,	: Civil Action No.
	: 1:22-cv-03067-ER
vs.	:
	:
FOOD CITY MARKETS, INC. and JOHN DOE	:
COMPANIES 1-99,	:
	:
Defendants.	:
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ORDER GRANTING DEFAULT JUDGMENT

This action having been commenced on April 13, 2022 by the filing of the complaint and the issuance of the summons; a copy of the summons and complaint having been served on Defendant Food City Markets, Inc. (“Food City”) on May 6, 2022 via service on the Office of the Secretary of State of the State of New York, pursuant to Section 306B of the New York Business Corporation Law, and proof of service having been filed with the Clerk of Court on May 10, 2022; Defendant Food City not having answered the complaint; and the time for answering the complaint having expired; said default being willful because of the failure of Food City to answer, prejudicial to Plaintiffs in light of the statutory policy favoring the efficacious resolution of collection actions by employee benefit funds under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”); and the Defendants lacking a meritorious defense; it is:

ORDERED, ADJUDGED AND DECREED that

1. Defendant Food City is liable to Plaintiffs in the amount of \$268,529.00, consisting of:

- (a) \$218,450.00 in withdrawal liability principal,
- (b) \$1,234.40 in interest through July 15, 2022, plus \$23.94 in additional daily interest commencing on July 16, 2022,

- (c) \$43,690.00 in liquidated damages, and
- (d) \$5,154.60 in attorney's fees and costs.

It is further ORDERED, ADJUDGED and DECREED that this action is dismissed without prejudice against Defendants John Doe Companies 1-99, with leave to Plaintiffs to either reopen this action or bring a new action against any entity that falls within Defendant Food City's controlled group, once identified, for the amount of judgment awarded herein, plus additional damages, if any.

SO ORDERED.

Dated: August 4, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

HON. EDGARDO RAMOS, U.S.D.J.